

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION**

JVIS-USA LLC,

Plaintiff,

v.

FARADAY & FUTURE, INC.,

Defendant.

Case No.

Hon.

Macomb County Circuit Court

Case No. 2023-000254-CB

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**NOTICE OF REMOVAL**

Defendant Faraday & Future, Inc., (“Defendant”) by and through undersigned counsel, hereby removes this action from the 16th Judicial Circuit Court, Macomb County, Michigan, where it is now pending as Case No. 2023-000254-CB (the “Civil Action”) to the United States District Court for the Eastern District of Michigan, Southern Division. Removal is based on the grounds that diversity jurisdiction exists over this action, as there is complete diversity between the parties, and the amount in controversy exceeds \$75,000. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendant states as follows:

**FACTUAL BACKGROUND**

1. On or about January 20, 2023, Plaintiff JVIS-USA, LLC, (“Plaintiff”) filed its Complaint in the Civil Action. Copies of the Civil Action docket as well as

all process, pleadings and orders in the Civil Action are attached to this Notice of Removal as **Exhibit A**.

2. On January 25, 2023, the Summons and Complaint in the Civil Action were served on Defendant by certified mail. Therefore, this Notice of Removal is filed within the time prescribed by 28 U.S.C. § 1446(b)(1).

3. Defendant also files this Notice of Removal within one (1) year of the date of the commencement of the action for removal purposes. Accordingly, the action is timely removed pursuant to 28 U.S.C. § 1446(c)(1).

4. Plaintiff's Complaint alleges claims for breach of contract, promissory estoppel and unjust enrichment and requests a judgment against Defendant in the amount of "\$8,900,000, plus interest, costs and attorney's fees." *See generally* Compl.

5. No proceedings have occurred in the Civil Action as of the date of this Notice of Removal. Defendant has not filed a response to the Complaint. Defendant hereby reserves any and all rights to assert any and all defenses and/or objections to the Complaint. Defendant further reserves the right to amend or supplement this Notice of Removal.

### **DIVERSITY JURISDICTION**

6. This Court has original jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332, which states that diversity jurisdiction is appropriately exercised over

“all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 . . . and is between . . . citizens of different States . . . .” 28 U.S.C. § 1332(a).

**A. There is Complete Diversity Among All Parties**

7. There is complete diversity of citizenship among all parties.

8. Defendant is a Delaware corporation and has its principal place of business in Gardena, California. Accordingly, Defendant is a citizen of Delaware and California.

9. Plaintiff is a limited liability corporation organized under the laws of Michigan with its principal place of business in Utica, Michigan. Plaintiff conducts business in Macomb County and “throughout the State of Michigan.” (Complaint, ¶ 1). Based on Defendant’s investigation of publicly available documents and corporate information, Plaintiff’s members are not citizens of California or Delaware.

10. Because Plaintiff and Defendant are citizens of different states, complete diversity exists in this case. *See* 28 U.S.C. § 1332(a)(1).

**B. The Amount-in-Controversy Exceeds \$75,000**

11. The Complaint meets the \$75,000.00 amount-in-controversy requirement for diversity jurisdiction. “The district court shall have original jurisdiction over all civil actions where the matter in controversy exceeds the sum or

value of \$75,000.00, exclusive of interest and costs, and is between . . . citizens of different States.” 28 U.S.C. § 1332(a).

12. Plaintiff seeks “\$8,900,000, plus interest, costs and attorney’s fees.” Compl. at p. 5.

13. Diversity jurisdiction exists over this action because the amount in controversy, as alleged in the Complaint, exceeds \$75,000 and because the parties are citizens of different states. Accordingly, this case is properly removable to this Court.

### **VENUE**

14. Venue is proper in this Court because this district and division encompass the 16<sup>th</sup> Judicial Court of Macomb County, Michigan, the forum from which the case has been removed. *See* 28 U.S.C. § 1441(a).

### **NOTICE**

15. Simultaneously with the filing of this Notice of Removal, Defendant is filing a copy of a Notice of Filing of Notice of Removal in the 16th Judicial Court of Macomb County, Michigan, and will attach a copy of this Notice of Removal thereto, pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal (without exhibits) is attached as **Exhibit B**.

16. The contents of **Exhibits A** and **B** constitute the entire file of the action pending in the state court.

17. As of the date of this removal, Defendant has not filed a responsive pleading to the Complaint. Defendant reserves all rights to assert any and all defenses to the Complaint.

18. Defendant reserves the right to amend or supplement this Notice of Removal.

For the reasons stated above, this Civil Action is properly removed to this District Court.

Respectfully submitted this 22nd day of February, 2023.

By: /s/ Sean P. McNally  
Sean P. McNally (P66292)  
Joshua L. Zeman (P80055)  
TROUTMAN PEPPER HAMILTON  
SANDERS LLP  
4000 Town Center, Suite 1800  
Southfield, MI 48075  
Telephone: 248.359.7317  
sean.mcnally@troutman.com  
joshua.zeman@troutman.com  
*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of February, 2023, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system, and was sent via U.S. Mail and electronic mail to the following:

Eric J. Minch  
The Miller Law Firm, P.C.  
950 W. University Dr., Ste 300  
Rochester, MI 48307  
ejm@millerlawpc.com  
*Attorneys for Plaintiff*

/s/ Sean P. McNally

Sean P. McNally (P66292)

## EXHIBIT A

**2023-000254-CB JVIS-USA LLC vs. FARADAY & FUTURE INC RLC**

- Case Type:
- CB-BUSINESS COURT
- Case Status:
- Open
- File Date:
- 01/20/2023
- DCM Track:
- 
- Action:
- COMPLAINT FILED - CIVIL
- Status Date:
- 01/20/2023
- Case Judge:
- CARETTI, RICHARD L
- Next Event:
- 

**All Information**   **Docket**   **Party**   **Financial**   **Receipt**   **Disposition**

**Docket Information**

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
01/20/2023	ENTRY FEE	ENTRY FEE Receipt: 1364503 Date: 01/24/2023	\$150.00	\$0.00	
01/20/2023	ELECTRONIC FILING SYSTEM FEE - CIVIL	ELECTRONIC FILING SYSTEM FEE - CIVIL Receipt: 1364503 Date: 01/24/2023	\$25.00	\$0.00	
01/20/2023	COMPLAINT/PETITION FILED - CIVIL	COMPLAINT/PETITION FILED - CIVIL JVIS-USA LLC (PLAINTIFF); FARADAY & FUTURE INC (DEFENDANT);			
01/20/2023	SUMMONS ISSUED	SUMMONS ISSUED EXP. 04-21-2023			
01/20/2023	CASE PLACED ON E-FILING STATUS PER ADMINISTRATIVE ORDER 2010-6	CASE PLACED ON E-FILING STATUS PER ADMINISTRATIVE ORDER 2010-6			
01/23/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=117389309)			
01/23/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=117389314)			
01/23/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=117389339)			
01/27/2023	APPEARANCE (LITIGANT'S ATTORNEY)	APPEARANCE (LITIGANT'S ATTORNEY) (OBDH=117589972) APPEARANCE / ERIC J MINCH JVIS-USA LLC (PLAINTIFF);			
02/03/2023	SERVICE ON COMPLAINT FILED	SERVICE ON COMPLAINT FILED (OBDH=117818535) PROOF OF SERVICE ON COMPLAINT FILED VIA CERT MAIL W/RR ON 1/25/23 FARADAY & FUTURE INC (DEFENDANT);			
02/03/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=117818534)			

**Party Information**

**JVIS-USA LLC**  
- PLAINTIFF

- DOD

Alias



- Disposition
- Disp Date

**Party Attorney**

- Attorney
- MINCH, ERIC JAMES
- Bar Code
- 80926
- Attorney
- VIAR, DAVID B.
- Bar Code
- 43479

[More Party Information](#)

**FARADAY & FUTURE INC**  
- DEFENDANT

- DOD
- Disposition
- Disp Date

**Alias**

**Party Attorney**

[More Party Information](#)

**Financial Summary**

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Amount Paid</u>	<u>Amount Adjusted</u>	<u>Amount Outstanding</u>
FILING FEE	\$175.00	\$175.00	\$0.00	\$0.00
Total	Total	Total	Total	Total
	\$175.00	\$175.00	\$0.00	\$0.00

**Receipts**

<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Received From</u>	<u>Payment Amount</u>
1364503	01/24/2023	JVIS-USA LLC, PLAINTIFF	\$175.00
Total	Total	Total	Total
			\$175.00

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
UNDISPOSED		CARETTI, RICHARD L

STATE OF MICHIGAN		SUMMONS	CASE NO.
16th	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		2023- 000254 -CB

Court address  
40 N. Main Street, Mt. Clemens, MI 48043

Court telephone no.  
586-469-5351

Plaintiff's name(s), address(es), and telephone no(s). JVIS-USA, LLC	v	Defendant's name(s), address(es), and telephone no(s). FARADAY&FUTURE INC. 18455 S. Figueroa St. Gardena, CA 90248
Plaintiff's attorney, bar no., address, and telephone no. The Miller Law Firm, P.C. David B. Viar (P43479) / Eric J. Minch (P80926) 950 W. University Dr., Ste. 300 Rochester, MI 48307 (248) 841-2200		

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.

☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

☒ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

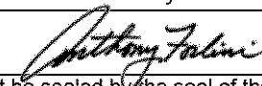
The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 01-20-2023	Expiration date* 04-21-2023	Court clerk 
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**SUMMONS****PROOF OF SERVICE**

Case No. 2023-

-CB

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_

List all documents served with the summons and complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_  
Attachments

\_\_\_\_\_ on \_\_\_\_\_  
Day, date, time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

JVIS-USA, LLC,

Case No.: 2023-000254 -CB

Plaintiff,

Hon.: Richard L. Caretti

-v-

FARADAY&FUTURE INC.

Defendant.

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**THE MILLER LAW FIRM, P.C.**

David B. Viar (P43479)

Eric J. Minch (P80926)

950 W. University Dr., Ste. 300

Rochester, MI 48307

(248) 841-2200

[dbv@miller.law](mailto:dbv@miller.law)

[ejm@miller.law](mailto:ejm@miller.law)

*Attorneys for Plaintiff*

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*“There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.”*

**COMPLAINT**

Plaintiff JVIS-USA, LLC states as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff JVIS-USA, LLC (“JVIS”) is a Michigan Limited Liability Company which conducts business in Macomb County and throughout the State of Michigan.
2. Defendant Faraday&Future Inc. (“Faraday”) is a California Corporation that has been authorized to transact business in Michigan, and has transacted business in Michigan, since at least 2016.

3. The work, conduct, and transactions described herein took place in Macomb County, Michigan.

4. This Court has both personal and subject matter jurisdiction over the parties and their dispute because the parties conduct business in the State of Michigan and the amount in controversy (exclusive of interest costs and attorney fees) is in excess of \$25,000.

5. Venue is proper in this Court because both JVIS and Faraday conduct business in Macomb County, Michigan.

6. The Business Court has jurisdiction and venue over this matter pursuant to MCL 600.8035 and MCL 600.8031(1)(c)(i); the case involves “a business or commercial dispute.”

**COUNT I**  
**Breach Of Contract**

7. JVIS is an automotive supplier that manufactures and assembles automotive interior and exterior trim and components, and electronics, and provides engineering, design, and development services related to these manufacturing and assembly services in Michigan and around the world.

8. Faraday is a California based startup manufacturer focused on developing electric and automated vehicles that has recently gone public, trading under Nasdaq as FFIE.

9. Around 2017, Faraday unveiled its concept for an electric automobile known as the FF91.

10. JVIS and Faraday entered into an agreement whereby JVIS agreed to provide, and Faraday agreed to pay for certain tooling, and design and engineering services related to the development and production of interior and exterior trim and electronics for the FF91 automobile.

11. The written contract reflecting pricing, terms of payment, timing and other provisions contained in the parties’ agreement is in the possession of Faraday.



12. Faraday conducts business in Michigan, it interacted with JVIS in Macomb County Michigan, and it has purposefully availed itself to the benefits of conducting business in Michigan, and this case arises from Faraday's interactions with JVIS in Macomb County, Michigan.

13. JVIS has produced tooling for Faraday, and it supplied design and engineering services and electronics to Faraday pursuant to the terms of the parties' written agreement which is in possession of Faraday.

14. JVIS has undertaken and/or delivered work to and/or on behalf of Faraday valued at more than \$8,9000.00.

15. JVIS has invoiced Faraday for its work, but Faraday has refused to pay for the tooling, engineering and design services that JVIS has performed pursuant to the terms of the parties' agreement.

16. Faraday's refusal to pay for the electronics, tooling, engineering and design services provided by JVIS to Faraday constitutes a breach of contract.

17. JVIS has, as a result of Faraday's breach of contract, suffered economic damages.

**WHEREFORE**, JVIS requests a judgment in its favor and against Faraday in the amount of \$8,900,000, plus interest, costs and attorney fees.

**COUNT II**  
**Promissory Estoppel**

18. JVIS restates all preceding paragraph as if restated herein.

19. To the extent Faraday denies that the parties' agreement covers the entirety of the tooling, engineering and design work and electronics provided by JVIS, this count is plead in the alternative to JVIS's breach of contract claim pursuant to MCR 2.111(A)(2).

20. Faraday made clear and definite promises to JVIS that it would pay JVIS for the tooling, engineering and design work and electronics JVIS undertook and provided to Faraday.

21. Accordingly, Faraday should have reasonably expected to induce JVIS to take definitive action of a substantial character by building the tooling and providing the engineering and design work and electronics to Faraday at its request.

22. JVIS, in fact, reasonably relied on Faraday's promises and provided engineering and design services, built tooling and supplied electronics to Faraday with the reasonable expectation that Faraday would keep its promises and pay JVIS the amounts owed to JVIS.

23. Despite providing the services, Faraday has failed to pay JVIS and these circumstances warrant enforcement of Faraday's promise to pay to as to avoid an injustice.

24. JVIS has been damaged as a result of this injustice.

**WHEREFORE**, JVIS requests a judgment in its favor and against Faraday in the amount of \$8,900,000, plus interest, costs and attorney fees.

**COUNT III**  
**Unjust Enrichment**

25. JVIS restates all preceding paragraph as if restated herein.

26. To the extent Faraday denies that the parties' agreement covers the entirety of the tooling, electronics and engineering and design services provided to Faraday, this count is plead in the alternative to JVIS's breach of contract claim pursuant to MCR 2.111(A)(2).

27. JVIS built and provided Faraday with tooling, electronics and engineering and design services which were a benefit to Faraday.

28. It would be inequitable to allow Faraday to retain the benefits of the work and services undertaken and provided to Faraday.

29. Faraday has been unjustly enriched at JVIS's expense and Faraday should be required to pay JVIS for the tooling, electronics, and engineering and design services performed by JVIS.

30. JVIS has been damaged as a result of this unjust enrichment.

**WHEREFORE**, JVIS requests a judgment in its favor and against Faraday in the amount of \$8,900,000, plus interest, costs and attorney fees.

Respectfully Submitted,

**THE MILLER LAW FIRM, P.C.**

/s/ David B. Viar

David B. Viar (P43479)

Eric J. Minch (P80926)

950 W. University Dr., Ste. 300

Rochester, MI 48307

(248) 841-2200

dbv@miller.law

ejm@miller.law

*Attorneys for Plaintiff*

Dated: January 20, 2023





# Anthony G. Forlini

Kathy Smith  
Chief Deputy Clerk

Macomb County Clerk  
Register of Deeds

TO: FILER

FROM: Macomb County Clerk of the Court

RE: 2023-000254-CB 16<sup>th</sup> Circuit Court Case Number

JUDGE: RICHARD CARETTI

This is to inform you that the above mentioned case is deemed an e-filing case pursuant to Administrative Order No. 2019-4. It is MANDATORY that all further filings in this matter are to be filed electronically through the court's e-filing website at:

[http:// mifile.courts.michigan.gov](http://mifile.courts.michigan.gov)

Registration instructions, filing instructions, the administrative order and frequently asked questions can be found on the court's website at:

<http://circuitcourt.macombgov.org/CircuitCourt-eFilingResources>

All parties must register with the court and opposing parties one e-mail address for service. Service will be provided electronically to the email address that you provide. All parties must also register an email address with the TruFiling e-filing system. Each individual is responsible for the accuracy of the registered email address.

For TrueFiling technical support, please call 1-855-959-8868, or send an email to:

[support@truefiling.com](mailto:support@truefiling.com).

You are required to serve this notification on all parties when perfecting service on the Complaint. Also, if you have not previously provided your email address to our office when submitting documents for filing, it is now required that you furnish it in order for us to update our records.

If you need help in submitting your filing electronically, assistance is available in the Circuit Court I.T. Department on the 6th Floor. Computers, scanners and staff are available to assist you during normal business hours 8:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:00 p.m.

## Court Section

40 North Main Street, 1st Floor  
Mount Clemens, MI 48043  
586-469-5351; Fax: 586-469-5364  
[macombgov.org/ClerkRoD](http://macombgov.org/ClerkRoD)  
[courtclerk@macombgov.org](mailto:courtclerk@macombgov.org)

## Court Section File Room

40 North Main Street, 1st Floor  
Mount Clemens, MI 48043  
586-469-5199; Fax: 586-469-5365  
[macombgov.org/ClerkRoD](http://macombgov.org/ClerkRoD)  
[fileroom@macombgov.org](mailto:fileroom@macombgov.org)

✓ **NOTICE:**

Beginning September 1, 2022 Orders submitted with a new Divorce or Civil Case will no longer be accepted by fax, mail, email or in person. Orders are to be submitted through MiFile. Cases are available in MiFile the day after the case is opened.

Please contact our office with any questions.

## EXHIBIT B

**IN THE 16TH JUDICIAL CIRCUIT COURT  
MACOMB COUNTY MICHIGAN**

JVIS-USA, LLC,

*Plaintiff,*

v.

Case No.: 2023-000254-CB

FARADAY & FUTURE, INC.,

*Defendant.*

---

**NOTICE OF FILING OF NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Faraday & Future, Inc., (“Defendant”), by and through undersigned counsel, serves notice of its filing of removal of the above-captioned case from this Court to the United States District Court for the Eastern District of Michigan, Southern Division.

Defendant has filed a Notice of Removal of this action to the United States District Court for the Eastern District of Michigan, Southern Division. A copy of the Notice of Removal is attached hereto as **Exhibit A** and is incorporated by reference as if fully set forth herein.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446, the filing of a Notice of Removal in the United States District Court, together with the filing of a copy of the Notice with this Court, effects the removal of the action and the Court may proceed no further unless and until this case is remanded.

Dated this 22nd day of February, 2023.

Respectfully submitted,

/s/ Sean P. McNally

Sean P. McNally (P66292)

Joshua L. Zeman (P80055)

TROUTMAN PEPPER HAMILTON

SANDERS LLP

4000 Town Center, Suite 1800

Southfield, MI 48075

Telephone: 248.359.7317

sean.mcnally@troutman.com

joshua.zeman@troutman.com

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of February, 2023, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system, and was sent via U.S. Mail and electronic mail to the following:

Eric J. Minch  
The Miller Law Firm, P.C.  
950 W. University Dr., Ste 300  
Rochester, MI 48307  
ejm@millerlawpc.com  
*Attorneys for Plaintiff*

/s/ Sean P. McNally  
Sean P. McNally (P66292)